IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 420 of 2007(Y)

PETITIONERS:
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1. G.SANJEEV BHAT, S/O.GOVINDA BHAT,
RESIDING AT SARASWATHI NIVAS, A.N.PURAM,
ALAPPUZHA.

2. V.M.BASHEER, VALAYIL VEEDU,
CHUNGAM, MUKKUVALAKKAL, ALAPPUZHA.

BY ADV. SRI.V.GIRI

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, DEPARTMENT OF HEALTH AND FAMILY
WELFARE DEPARTMENT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

4. THE SUPERINTENDENT OF MEDICAL COLLEGE,
ALAPPUZHA.

5. THE PRINCIPAL OF MEDICAL COLLEGE, ALAPPUZHA.

6. THE INDIAN MEDICAL COUNCIL, NEW DELHI.

7. THE DISTRICT COLLECTOR, ALAPPUZHA.

R6 BY ADV. SRI.ALEXANDER THOMAS, SC, MCI
R1 TO R5 & R7 BY SR. GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, ALONG WITH WPC NO. 1332 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) Nos.420 & 1332 of 2007

Dated, this the 5th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Petitioners in these two writ petitions are public spirited citizens and also tax payers. They are before this Court for the following reliefs:

> "a) issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 5 and 7 to take adequate steps to see that all the departments in the Medical College Hospital, Alappuzha (except those departments which are started in the year 2004) to continue to function at the premises of the Medical College Hospital situated in Palace Ward in Alappuzha Municipality until adequate facilities are available at the new premises of the hospital being constructed at Neerkunnam and shifting of the entire medical college as a single unit simultaneously is possible;
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> b) issue a writ of mandamus or any other appropriate writ, order or direction commanding the respondents 1 to 5 to first obtain approval and certification of the Indian Medical Council with regard to the adequacy of facilities available with the new premises of medical college at Neerkunnam in Ambalapuzha Grama Panchayat before ordering or effecting shifting of any other department of the medical College Hospital, Alappuzha from the premises where it is currently housed;
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> c) such other appropriate writ, order or direction as this Hon'ble Court may deem just and fit in the circumstances of the case."

2. After service of notice, the 5th respondent, namely the Principal of Medical College, Alappuzha and the 4th respondent, namely the Superintendent of Medical College, Alappuzha have filed two counter affidavits before this Court.

3. We have carefully gone through the petition averments, the prayer made in the writ petitions and also the counter affidavit filed by those

respondents. Having gone through those materials, we are of the opinion that the respondents are doing their best to cater to the needs of the patients in the State. Placing on record the counter affidavits filed by respondents 4 and 5 these writ petitions require to be disposed of and accordingly they are disposed of. We are of the opinion that no further probe is required in these petitions by this Court. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns